

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Panchayat Raj & Rural Development Department - Irregularities committed in tender process for (3) road works in Panchayat Raj Circle, Nellore - Sri V. Kailashnath, formerly i/c Superintending Engineer, Panchayat Raj, Nellore presently i/c Superintending Engineer, Panchayat Raj, Kakinada - Disciplinary proceedings under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 - Article of charge - Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.IA) DEPARTMENT

G.O.Rt.No 1972.
Dated:27.12.2011

ORDER:

It is proposed to hold an enquiry against Sri V. Kailashnath, formerly i/c Superintending Engineer, Panchayat Raj, Nellore presently i/c Superintending Engineer, Panchayat Raj, Kakinada, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure-I). A list of documents by which and a list of witnesses by whom, the article of charge are proposed to be sustained are also enclosed (Annexure-II and III).

3. Sri V. Kailashnath, formerly i/c Superintending Engineer, Panchayat Raj, Nellore presently i/c Superintending Engineer, Panchayat Raj, Kakinada is directed to submit within (10) days of the receipt of this order, a written statement of his defence.

4. Sri V. Kailashnath, formerly i/c Superintending Engineer, Panchayat Raj, Nellore presently i/c Superintending Engineer, Panchayat Raj, Kakinada is informed that an enquiry will be held only in respect of article of charge as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri V. Kailashnath, formerly i/c Superintending Engineer, Panchayat Raj, Nellore presently i/c Superintending Engineer, Panchayat Raj, Kakinada is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri V. Kailashnath, formerly i/c Superintending Engineer, Panchayat Raj, Nellore presently i/c Superintending Engineer, Panchayat Raj, Kakinada is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri V. Kailashnath, formerly i/c Superintending Engineer, Panchayat Raj, Nellore presently i/c Superintending Engineer, Panchayat Raj, Kakinada is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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7. The receipt of this order shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri V. Kailashnath, formerly i/c Superintending Engineer, Panchayat Raj, Nellore

presently i/c Superintending Engineer, Panchayat Raj, Kakinada through the Engineer-in-Chief, Panchayat Raj, Hyderabad.

The Engineer-in-Chief, Panchayat Raj, Hyderabad.

(in duplicate with a request to serve and return the dated acknowledgement copy)

Copy to:

The PR&RD (Estd.I) Department.

The G.A.(V&E) Dept.

SF/SC

// FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-I

(Annexure to G.O.Rt.No. 1972 , PR&RD (Vig.IA) Dept., dt.27.12.2011)

STATEMENT OF ARTICLE OF CHARGE AGAINST SRI V. KAILASHNATH, FORMERLY I/C SUPERINTENDING ENGINEER, PANCHAYAT RAJ, NELLORE PRESENTLY I/C SUPERINTENDING ENGINEER, PANCHAYAT RAJ, KAKINADA.

CHARGE:

That Sri V. Kailashnath, the then i/c Superintending Engineer, Panchayat Raj, Nellore presently i/c Superintending Engineer, Panchayat Raj, Kakinada has committed irregularities in tender process for (3) road works in Panchayat Raj Circle, Nellore.

Basis:

As per the Appraisal Report No.100 (512/V&E/E1/2008), dt. 19.10.2010 of G.A. (V&E) Dept., the following (3) works for which tenders were invited by the Superintending Engineer, Panchayat Raj, Nellore in which the Contractor Sri L. Rama Siva Reddy has participated.

Tender Notice	Name of the Work	Cost of the work (in lakhs)	EMD Amount
1) 387/07-08, Dt.03.03.2008	Providing BT to the road from Nellore to Tatiparthi	Rs.132.00	Rs.1,19.600/-
2) 392/07-08, Dt.03.03.2008	BT road from ND road to Ozili Darakhastu road	Rs.170.00	Rs.1,61,100/-
3) 515/07-08, Dt.03.03.2008	BT road from Vakodu to Mutenbaka via Gollapalu	Rs.90.00	Rs. 83,400/-

After bid verification, Sri V. Kailashnath, the then i/c Superintending Engineer, Panchayat Raj, Nellore, recommended the following contractors as lower for items (1) & (2) only to the CE, NABARD, Hyderabad on 12.05.2008. The position of bid of Sri L. Rama Siva Reddy, Contractor is as follows.

Work	Name of the Lower Bidder	Position	Remarks
1) 1 st work	Sri Y. Mohan Reddy	3 rd Lowest	Submitted to CE
2) 2 nd work	Sri Y. Mohan Reddy	3 rd Lowest	Submitted to CE
3) 3 rd work	Sri L. Rama Siva Reddy	1 st Lowest	Kept in abeyance based on complaint

Sri V. Kailashnath, the then i/c Superintending Engineer, Panchayat Raj, Nellore submitted that certain contractors have made allegations against Sri L. Rama Siva Reddy on 16.05.2008 in writing and based on that the Superintending Engineer, Panchayat Raj, kept in abeyance the tender finalization.

On receipt of the above allegation, the Superintending Engineer vide his letter dt. 19.05.2008 requested the ENC, A.W., I&CAD, Hyderabad to confirm the genuineness of the registration certificate.

Sri V. Kailashnath, the then i/c Superintending Engineer, Panchayat Raj, Nellore finally recommended the bid of Sri L. Rama Siva Reddy to Chief Engineer, Panchayat Raj, NABARD for approval on 01.07.2008 for the 3rd work subject to condition that action will be initiated against him at any stage as per NIT conditions if any false and fake certificates are framed in future.

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Accordingly, the Chief Engineer, NABARD has accepted the tender of Sri L. Rama Siva Reddy, Contractor at 6.59% less than the estimate rates for 3rd work communicated to the Superintending Engineer vide letter dt. 07.07.2008 with the same condition stipulated by Superintending Engineer, Panchayat Raj, Nellore.

The Chief Engineer, I&CAD, A.P., Hyderabad in his letter dt. 02.07.2008 clarified that the registration certificate submitted by Sri L. Rama Siva Reddy was tampered.

Accordingly, Sri V. Kailashnath, the then i/c Superintending Engineer, Panchayat Raj, Nellore has recommended to the Chief Engineer, NABARD to initiate action against the contractor duly forfeiting the EMD for the 3rd work.

Meanwhile, the above contractor has requested for refund of B.G's submitted towards EMD for the two works (1st and 2nd work) as his bid was not lowest and agreements were already concluded by lowest bidders.

Sri V. Kailashnath, the then i/c Superintending Engineer, Panchayat Raj, Nellore has returned the B.G's on the same day even though the replies on tampering of certificates are pending from ENC, I&CAD.

As per Clause 7 (vi) of G.O.Ms.No.94, dt. 01.07.2003, the EMD of the qualified but unsuccessful tender has to be returned either after the finalization of the tender or on expiry of the validity of the tender whichever is earlier. In the instant case, the same were returned after execution of agreement by the lowest bidders.

As per clause 11 (b) under the Note of above G.O., the contractor is subject to be disqualified if he is found to have misled or made false representation in the forms, statements submitted in proof of the qualification requirement.

As per clause 6.0 of Annexure-I to the G.O.Ms.No.36, dt. 07.03.2003, if any of the certificates, documents etc. furnished by the bidder is found to be false/fabricated/bogus, the bidder will be blacklisted and the EMD forfeited.

Sri V. Kailashnath, the then i/c Superintending Engineer, Panchayat Raj, Nellore without considering the above facts has returned the EMD to Sri L. Rama Siva Reddy, Contractor without waiting for the stipulated time and allegation of tampering of certificates is pending.

Hence, the charge.

Dr. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

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SECTION OFFICER

ANNEXURE-II

(Annexure to G.O.Rt.No. 1972 , PR&RD (Vig.IA) Dept., dt.27.12.2011)

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE ARE PROPOSED TO BE SUSTAINED AGAINST SRI V. KAILASHNATH, FORMERLY I/C SUPERINTENDING ENGINEER, PANCHAYAT RAJ, NELLORE PRESENTLY I/C SUPERINTENDING ENGINEER, PANCHAYAT RAJ, KAKINADA.

Vigilance Appraisal Report No.100 (512/V&E/E1/2008), dt. 19.10.2010 of G.A. (V&E) Dept.

Dr. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

// FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-III

(Annexure to G.O.Rt.No. , PR&RD (Vig.IA) Dept., dt.27.12.2011)

LIST OF WITNESSES BY WHOM THE ARTICLE OF CHARGE ARE PROPOSED TO BE SUSTAINED AGAINST SRI V. KAILASHNATH, FORMERLY I/C SUPERINTENDING ENGINEER, PANCHAYAT RAJ, NELLORE PRESENTLY I/C SUPERINTENDING ENGINEER, PANCHAYAT RAJ, KAKINADA.

- NIL -

Dr. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

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SECTION OFFICER